

067083.0283

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TRANSMITTAL FOR U.S. PATENT APPLICATION
UNDER 37 CFR §1.53(b)

MAIL STOP Patent Application

COMMISSIONER FOR PATENTS
Box 1450
Alexandria, Virginia 22313-1450Express Mail No.
EV 323508735 US

Sir:

Transmitted herewith for filing is the utility patent application of:

Inventor: Joseph A. Zupanick

For: CAVITY POSITIONING TOOL AND METHOD

Enclosed are:

1. X Baker Botts Return Receipt Postcard (1)
2. X Certificate of Mailing (1 Page)
3. X This Transmittal (2 pages)
4. X Nonpublication Request (1 page)
5. X Specification, Claims and Abstract (21 Pages)
6. X Drawing(s) 5 Total Sheet(s) of X Formal Informal
7. X Combined Declaration and Power of Attorney (3 Pages)
 X Copy from a prior application
(for continuation/divisional only)
8. Applicant is a Small Entity
9. The accompanying application is:
 Continuation X Divisional Continuation-In-Part (CIP) of:
Prior Application No.: 10/188,159
Filed: July 1, 2002
Examiner: Daniel P. Stephenson
Group/Art Unit: 3672
which is hereby incorporated by reference therein.




(For Continuation or Divisional Applications only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 7 above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.)

10. X The prior application is assigned of record to CDX Gas, LLC, a Texas limited liability company, at reel 011034, frame 0726 in the U.S. Patent and Trademark Office records, and was recorded on August 3, 2000.
11. X Information Disclosure Statement (IDS) and PTO Form 1449 (12 pages)
X Pursuant to 37 C.F.R. § 1.98(d), copies of these references are not being furnished.

FEE CALCULATION					FEE
	Number		Number Extra	Rate	Basic Fee \$385.00
Total Claims	20	20	0	X \$ 9.00 =	\$ 0.00
Independent Claims	3	3	0	X \$43.00 =	\$ 0.00
TOTAL FILING FEE =					\$385.00

12. X Enclosed is a check in the amount of \$385.00 to satisfy the filing fee requirements under 37 C.F.R. § 1.16. Please charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P. This document is being transmitted in duplicate.

BAKER BOTTS L.L.P.
Attorneys for Applicant

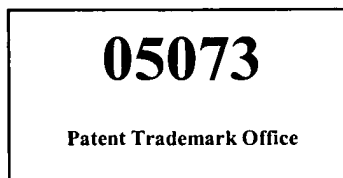


Brian W. Oaks
Registration No. 44,981

Date: October 14, 2003

CORRESPONDENCE ADDRESS:

2001 Ross Avenue, 6th Floor
Dallas, Texas 75201-2980
214.953.6986
214.661.4986 - Fax



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Joseph A. Zupanick
Filed: October 14, 2003
Title: Cavity Positioning Tool and Method

Mail Stop PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that the attached Transmittal Form (2 pages), Divisional Patent Application (21 pages, including Specification, Claims and Abstract), copy of a combined Declaration and Power of Attorney from a prior application (3 pages), copy of a Verified Statement from a prior application (1 page), Formal Drawings (5 sheets), Nonpublication Request (1 page), Information Disclosure Statement (2 pages), PTO Form 1449 (12 pages), a Baker Botts L.L.P. acknowledgment postcard (1), a check in the amount of \$385.00 to cover the application filing fee and this Certificate of Mailing by Express Mail are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on this 14th day of October 2003 addressed to Mail Stop PATENT APPLICATION, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Willie Jiles

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)	First Named Inventor	Joseph A. Zupanick
	Title	Cavity Positioning Tool and Method
	Atty Docket Number	067083.0283

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

October 14, 2003
Date


Signature

Brian W. Oaks
Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.